

REMARKS

The above-identified application has been reviewed in light of the Office Action dated March 13, 2008. By the present amendment, the applicant has amended claims 1, 25, 27, 28, and 29. Additionally, the applicant has canceled claim 33 without prejudice. Claims 1, 4-9, 13, and 16-32 are currently pending in the present application. It is respectfully submitted that the pending claims add no new matter, are fully supported by the specification, and are allowable over the cited references of record.

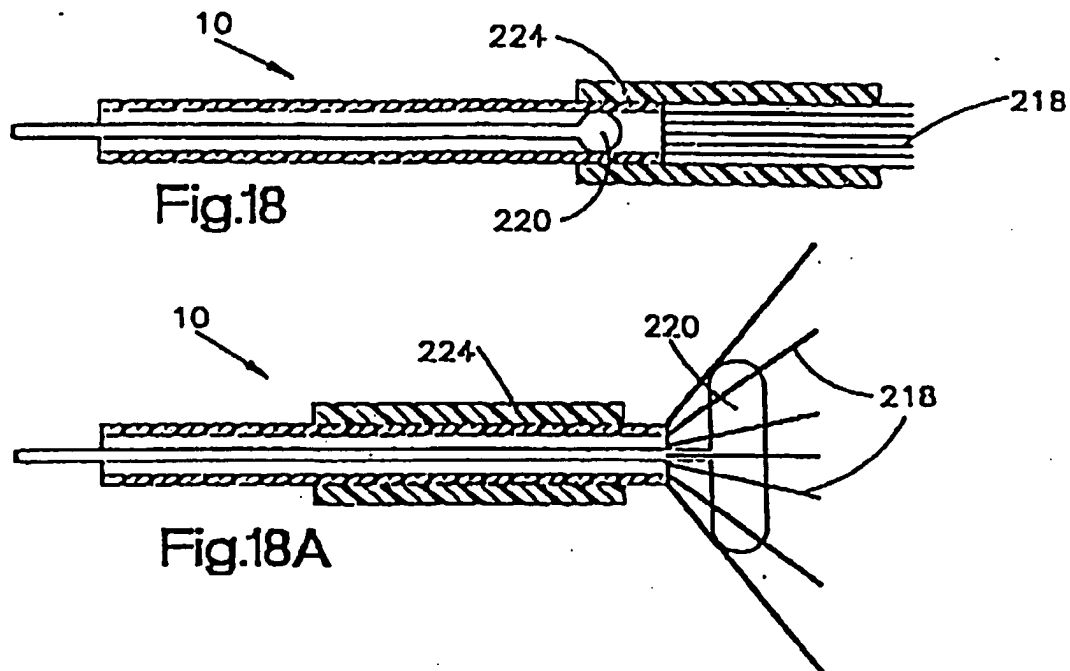
Claims 27-29 were each objected to as containing informalities. Claims 27-29 have been amended herein in a manner that is believed will overcome the outstanding objections. Accordingly, in view of the amendments made to claims 27-29 herein, it is respectfully submitted that the outstanding objections to claims 27-29 have been overcome. The Examiner's comments regarding the correction of these informalities were appreciated.

Claims 5 and 6 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 1, from which claims 5 and 6 depend, has been amended herein, without prejudice, to recite "an inflatable bladder," thus providing an antecedent basis for "the inflatable bladder" recited in claims 5 and 6. Accordingly, in view of the amendment to claim 1, withdrawal of this rejection is respectfully requested.

In the Office Action, claims 1, 7, 18, 20, and 24-32 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 972,983 to Arthur (Arthur). The Office Action stated that Arthur discloses a retractor including a shaft, cannula, and a plurality of filaments. It is

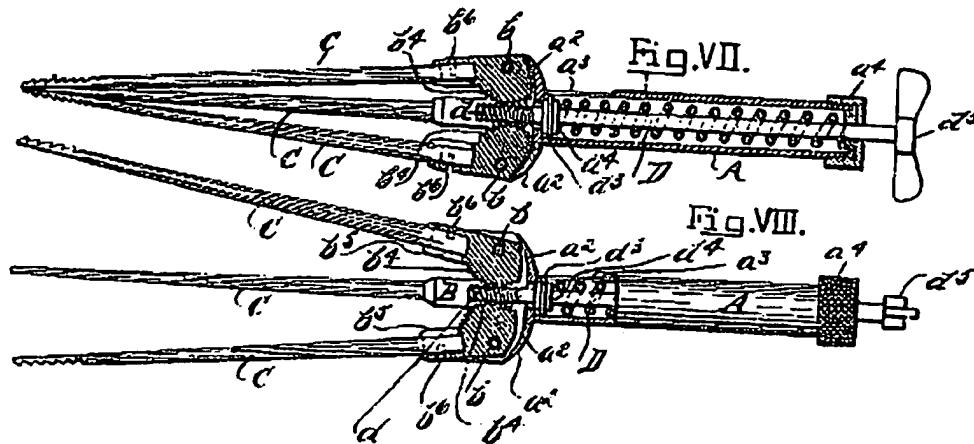
respectfully submitted that independent claims 1 and 25, as amended, are allowable over Arthur and the rejections should be withdrawn.

Independent claim 1, as amended, recites a retractor having, *inter alia*, "a sleeve coaxially disposed about the periphery of and movable with respect to the cannula, the sleeve being axially movable between a first position blocking movement of said filaments radially outwardly and a second position in which said filaments are exposed to allow movement of said plates radially outwardly" (emphasis added). This feature ensures that the sleeve is positioned around the outside of the cannula and that the plurality of filaments cannot be repositioned without the repositioning of the sleeve.



As shown in Fig. VII, Arthur discloses a dilator with spring seated fingers (pg 2, lns 103-108). As correctly noted by the Examiner, the spring is "[s]et into the barrel around the spindle [...] and this is confined in the barrel" (pg 2, lns 89-92) (emphasis add). Therefore, the spring,

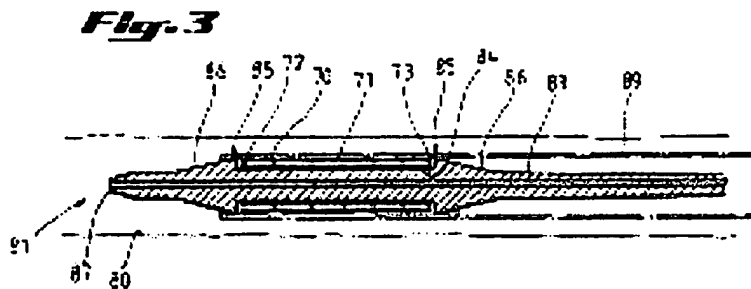
referred to as "a sleeve (E)" by the Examiner on page 3, is required to be internal to the barrel of the retractor. Further, as disclosed in Arthur, the spring cannot block the movement of the fingers.



For at least the foregoing amendment and reasons above, it is respectfully submitted that the rejection of independent claim 1 has been overcome and is in condition for allowance. Accordingly, since claims 7, 18, 20, and 24 depend, directly or indirectly, from claim 1, it is respectfully submitted that these claims are also in condition for allowance.

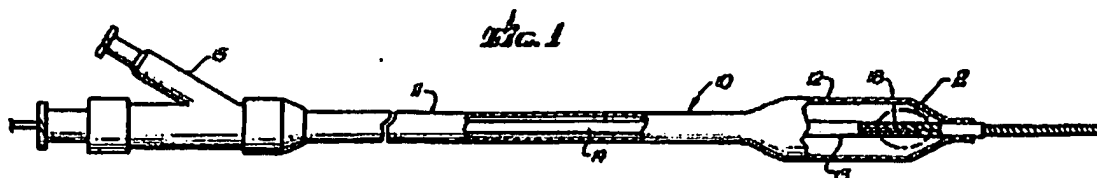
Independent claim 25 presently recites, *inter alia*, a retractor having "an inflatable positioner disposed at a distal end of the shaft, wherein the positioner is an inflatable bladder." Arthur fails to disclose or suggest a retractor having "an inflatable positioner," as presently recited in claim 25. Accordingly, it is respectfully submitted that the rejection of the Office Action has been overcome and that independent claim 25 is in condition for allowance. Furthermore, since claims 26-32 depend from claim 25, it is respectfully submitted that these claims are also in condition for allowance.

In the Office Action, Claims 1, 4-6, 8, 9, 13, 16, 17, 19, and 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,733,665 to Palmaz (Palmaz) in view of U.S. Patent No. 4,932,959 to Horzewski et al. (Horzewski). Palmaz discloses an expandable intraluminal vascular graft that is expanded within a blood vessel by an angioplasty balloon associated with a catheter to dilate and expand the lumen of a blood vessel. According to the Office Action, Palmaz includes a cannula (89) and a sleeve (83). As shown in FIG. 3, sleeve (83) is internal to cannula (89). The Office Action acknowledged, however, that Palmaz does not disclose that the retractor includes a flexible shaft extending at least partially through the cannula, but it asserts that Horzewski discloses a flexible shaft extending through a lumen of a balloon catheter.



Palmaz fails to disclose or suggest the retractor recited in amended claim 1. Claim 1, as currently amended, recites a retractor having, *inter alia*, “a plurality of filaments extending from and permanently affixed to the cannula.” In contrast, Palmaz relates to a vascular graft including a catheter and a sheath. Wherein, “the expanded prosthesis 70, upon deflation of angioplasty balloon 88 will not be able to migrate from the desired location within the body passageway 80.” As such, the prosthesis 70 is separate from the cannula and can be left in place when the cannula is removed. Therefore, Palmaz fails to disclose or suggest a plurality of filament extending from and permanently affixed to the cannula. Horzewski, shown in FIG. 1, does not disclose a

retractor with a filaments permanently affixed to a cannula. As such, Horzewski fails to cure the deficiencies of Palmaz.



Accordingly, it is respectfully submitted that the rejection of the Office Action has been overcome and that independent claim 1 is in condition for allowance. Furthermore, since claims 4-6, 8, 9, 13, 16, 17, 19, and 21-23 depend from, either directly or indirectly, claim 1, it is respectfully submitted that these claims are also in condition for allowance.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in the application, namely claims 1, 5-9, 13, and 16-32, are in condition for allowance.

Should the Examiner believe that an interview may facilitate the resolution of any outstanding issues, the Examiner is respectfully requested to telephone the Applicant's undersigned attorney at the number indicated below. Early and favorable action on the merits is earnestly solicited.

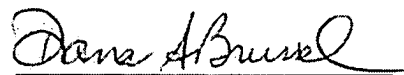
Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 21-0550. Also, in the event any extensions

Appl. No. 10/729,634
Response dated June 11, 2008
Reply to Office Action Mailed March 13, 2008

of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor.

Respectfully submitted,

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